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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,567	04/09/2001	Katsuo Ito		6500

7590 04/02/2003
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EXAMINER	
SCHIFFMAN, JORI	
ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,567

Applicant(s)

ITO, KATSUO

Examiner

Jori R. Schiffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2003 and 21 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 and 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Newhall et al. (US 1179449).

Regarding claim 4, Newhall discloses an improved board anchor for securing a board to a wall member 14, the wall member having an opening 20 formed therethrough, the board anchor comprising a threaded shaft 3 having a longitudinal axis, a freely rotating anchor section 2 attached to the screw shaft, the anchor section comprising a channel shaped member having spaced apart, downwardly extending flange portions 13, each flange portion having a shaped opening 8 formed therein, a rotatable threaded attachment ring 5 having first and second protrusions formed on the perimeter of the ring, the protrusions adapted to engage the corresponding opening formed on the anchor section (see Fig. 6), the threaded shaft 3 being threadedly coupled to the attachment ring prior to the insertion of the anchor portion within the wall member opening, the attachment ring protrusions and shaped openings enabling the threaded shaft to be initially positioned substantially parallel to the longitudinal axis within the wall member and repositioning the anchor section to a first position substantially perpendicular to the

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screw shaft longitudinal axis after exiting the wall member, the shaped openings and attachment ring protrusions acting together to lock the anchor section in the first position.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhall et al. (US 1179449) as applied to claim 4 above, and further in view of Place (US 2144895).

As to claim 6, Newhall discloses the claimed toggle bolt except for the anchor section having an elongated portion with a threaded hole. Place teaches an elongated portion 6 with a threaded opening 4 adapted to engage the threaded screw shaft to perform a self-locking action (col. 4, l. 19-24). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the anchor of Newhall's toggle bolt to have an elongated portion and threaded hole as disclosed in Place so the screw can tightly engage with the opening and perform a self-locking action, and so it will stay in place once installed.

Referring to claim 7, modified Newhall discloses the shaped openings 8 and attachment ring protrusions functioning to position the anchor section substantially perpendicular to the screw shaft longitudinal axis so that the threaded hole in the

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attachment ring and elongated portion of the anchor section are aligned as the threaded shaft is rotated such that a portion of the threaded shaft extends through the aligned holes.

In regards to claim 8, modified Newhall discloses the shaped openings limiting the angular rotation of the attachment ring relative to the anchor section to substantially 90°.

5. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhall et al. (US 1179449) in view of Place (US 2144895) as applied to claim 7 above, and further in view of Gelpcke (US 2567372).

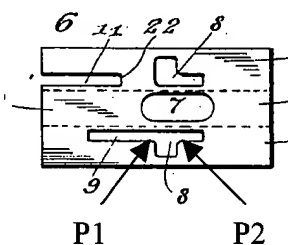
Regarding the claims, modified Newhall disclosed the claimed toggle bolt except for a bushing mounted on the outer circumference of the shaft and positioned in the opening of the wall when the anchor is secured. Gelpcke teaches a bushing 8 mounted on the outer circumference of the shaft 5 and positioned in the opening of the wall when the anchor is secured. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a bushing on the outer circumference of the shaft of modified Newhall as disclosed by Gelpcke to help guide the threaded shaft through the opening in the wall.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhall et al. (US 1179449) in view of Place (US 2144895) as applied to claim 7 above, and further in view of Newhall (US 1084289).

As to claim 11, modified Newhall discloses the claimed toggle bolt except for the shaped openings being formed by first and second spaced apart protrusions extending

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into a cavity. Newhall teaches shaped openings formed by first and second spaced apart protrusions, labeled as P1 and P2 in the Figure below, extending into a cavity 8. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the shaped openings of modified Newhall to that disclosed in Newhall for an alternate way of securing the attachment ring onto the anchor section.



Response to Arguments

7. Applicant's arguments with respect to claims 4-7 have been considered but are moot in view of the new grounds of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

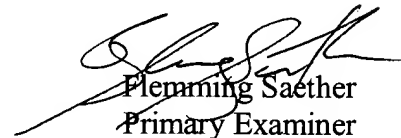
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3179.

Jori R. Schiffman
Examiner
Art Unit 3679

JS
March 26, 2003


Flemming Saether
Primary Examiner